IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 197 of 2002 (M/B)

Narender Singh Chanchal,
S/o Sri Loki Ram,
R/o A-II Field Hostel,
Dehradun. …… Petitioner

Versus

1. District Magistrate,
   Dehradun.
2. Additional District Magistrate (Administration),
   Dehradun.
3. Tehsildar, Dehradun.
4. Sri Kailash Chand Pandey,
   Unauthorised occupant,
   Govt. Accommodation No. 11/1-32,
   Residential Colony, Race Course,
   Dehradun. …… Respondents

Mr. A. Rab, Advocate for the petitioner.
Mr. N.C. Gupta, Standing Counsel for respondents Nos. 1 to 3.
Mr. C.K. Sharma, Advocate for respondent No. 4.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. A. Rab, Advocate for the petitioner.

Mr. N.C. Gupta, Standing Counsel for respondents Nos. 1 to 3.

Mr. C.K. Sharma, Advocate for respondent No. 4.

2. Petitioner Narender Singh Chanchal, an employee in the Judgeship of District Dehradun, has filed this writ petition for the following reliefs:

> "(i) Issue a Writ, Order or Direction in the nature of Mandamus commanding the respondents number 2 and 3 to take possession from respondent number 4 and to hand over the peaceful possession of quarter number 11/1-32, Residential Colony, Race Course, Dehradun to

the petitioner, in compliance of the allotment order dated 11.08.2000.

(ii) Issue any other suitable Writ, Order or Direction which the Hon'ble Court may deem fit and proper in the circumstances of the case.

(iii) Award cost of the Writ Petition to the petitioner."

3. The petitioner, initially, was allotted a one-room Government accommodation numbered as A-II, Filed Hostel, Dehradun in the year 1993. District Magistrate, Dehradun, finding the petitioner's request justified, allotted Quarter No. II/1-32 in the Residential Colony, Race Course, Dehradun vide its order dated 11.08.2000. It appears that on account of subsequent developments, the said accommodation was allotted to respondent No. 4 Kailash Chand Pandey. In the meantime, it appears that the petitioner came to occupy Quarter No. II/1-28 Residential Colony, Race Course though the same was never allotted to him.

4. Mr. A. Rab, the learned counsel for the petitioner submits that as the petitioner is occupying Quarter No. II1-28 in the above Colony for the last more than one year and the authorities have failed in making the allotted accommodation i.e. Type II 1-32 available to the petitioner, which was allotted to him vide order dated 11.08.2000, the petitioner would be satisfied if District Magistrate, Dehradun is directed to consider the petitioner's request for the allotment of an alternative suitable accommodation to the petitioner including the one which he is occupying at present.

5. On due consideration, District Magistrate, Dehradun is directed to consider the petitioner's representation, if made within two weeks from today, sympathetically in accordance with a Rules on the subject and the petitioner's entitlement within a further period of two months from the date of receipt of the representation by the petitioner in that behalf.

6. With above direction, the writ petition stands disposed of.

(Prafulla C. Pant, J.) **(Rajeev Gupta, C.J.)**
14.06.2006 14.06.2006

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